

The Refugee Crisis (cont'd from p. 1)

own governments tend to be reduced. Considerations of equality before the law are restricted to citizens (thus excluding refugees who might have benefited from them); but these same restrictions are removed when such considerations can be applied to the detriment of refugees. In some cases, even our obligation to individuals whose physical security is actually threatened may be affected. This is the source of the moral and political crisis.

Canada's economic crisis is part of a world crisis which has fostered situations in which the number of refugees has increased. At the same time, pressure mounts to keep them out; the government is urged to attend to its own citizens who lack adequate housing or any employment. We do not believe we can fulfill our obligations to our own citizens as well as our obligations to refugees. What do we do?

There are people today whose economic welfare has been totally undermined by their own government's policies. They live on the edge of despair, revolt or risk death to flee to a new situation which might offer a glimmer of hope. To counteract the flow of these increasing numbers of economic refugees, we have begun to restrict our humanitarian programs even toward those emanating from territories governed by economic systems contrary to our own. In the past, our humanitarian refugee program has not been geared to respond to the suffering of citizens exploited by their own governments. If the regime was simply a negligent one or even a criminal one, as in Haiti, we did not consider those who fled the economic exploitation to be refugees. However, when policies denying economic opportunities were ideologically motivated we used our humanitarian programs to help those who fled. We extended an outstretched hand to East Europeans but not Haitian self-exiles. The degree of intake was not proportionate to the degree of exploitation and suffering but was related to the ideology of a system regarded as contrary to our own. But even the humanitarian programs applied to the latter group become more restrictive.

Judicial norms are distorted to restrict the entry of refugees fleeing regimes which offend all norms of justice. The principle of equality before the law is applied where it is inapplicable and, along

with the principle of mitigating circumstances, both are ignored where they are relevant. For those who live in countries where there is no equality of treatment before the law, where justice is swift, arbitrary and not itself subject to judicial norms, there is a legitimate fear of persecution. But to enter Canada these individuals may breach our laws — lie on their declarations of entry or alter a passport. To them we may apply the principle of equality before the law even if they *are* genuine refugees; because they breach our laws, immigration officers may determine that such individuals cannot be given refuge. To others, we deny equality before the law because we do not insist on the right of refugee claimants to be represented by counsel. The principle of equality before the law, which is a procedural norm, is not used to ensure procedural equality. It is distorted and applied to the offence, in spite of the fact that another judicial norm requiring a consideration of mitigating circumstances to ensure justice would clearly differentiate between a situation in which a refugee who flees a government he does not trust and alters a passport to obtain a safe haven as very different from a case in which one of our own citizens alters a passport for criminal purposes.

In the area of pure protection, where the physical security of the refugee is clearly in danger, our refugee policy seems to serve impartially. The onus of proof is on those who must establish a fear of persecution, though they may be given the benefit of the doubt.

Granting asylum for those who flee in fear of their lives is a litmus test of whether a government has a refugee policy. The degree of liberalization of that policy, however, is measured by two other yardsticks. First, is the principle of equality before the law applied to the judicial norms for processing a claim and not to particular offences? If it is, the policy is liberal. Second, are the humanitarian policies applied in relationship to the degree of exploitation and suffering of those who flee independent of whether that exploitation is rooted in ideological or criminal motives? If it is, the refugee policy is ultra-liberal.

Our doors are not shut to refugees. But they are closing. The forces favouring restrictive policies, focussing on the welfare of our own citizens at the expense of refugees, seem to be in the ascendant compared to the forces for liberalization.

Canadian News

Indochinese Arrivals — We're Slipping

Canada admitted 112 Indochinese refugees for resettlement in February and 189 in January of this year. During the same two-month period, Australia admitted 1,468, the U.S.A. 3,224, France 828 and Germany 223. Little New Zealand took in 81 and even Finland admitted 119. What happened to Canada's leadership role in providing third country resettlement for these refugees?

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Anti-Piracy Program

Canada and 11 other countries are attempting to find ways of extending a program to combat pirate attacks against Indochinese "boat people" on the South China Sea. The program has led to a decrease in these armed attacks since it began last August. Donations in 1982 totalling U.S. \$3.6 million from 12 countries, including \$150,000 from Canada, helped the government of Thailand to carry out operations against such attacks. There is a need for further funding to ensure that anti-piracy operations will continue.

Over 1,400 Vietnamese left their country in March under the Orderly Departure Program organized by UNHCR. This compares to the departure of 1,661 "boat people" in the same month.

Toronto Office Skills Training Project

The Toronto Office Skills Training Project, funded by L.E.A.P. (Local Employment Assistance Programme) has been established to prepare women from Southeast Asia for clerical work in offices. The project is designed to offer an integrated program of ESL instruction with training in job skills, life skills and on-the-job training. The project went into operation on May 9 with its first group of trainees. For more information contact Janis Galway at 69 Sherbourne Street, Suite 421, Toronto, Ontario M5A 3X7. Phone (416) 368-9355.